



MAY 19 2009
Ombudsman Services Unit

REGULAR GRIEVANCE

RECEIVED

MAY 18 2009

Log Number:

620-
29506

Deputy Director, Operations

BROWN, K.	207902	D	313
Last Name	First	Number	Building
Cell/Bed Number			

WHAT IS YOUR COMPLAINT? (Provide information from the informal process: Attach Informal Complaint or other documentation of informal process.) PRIOR to the DENIAL OF MY RELIGIOUS NEWSPAPER, I RECEIVED SUCH FOR 12-13 WKS (AUG. 2008 - NOV. 2008), SINCE THEN, THE PAPER HAS BEEN REPEATEDLY DENIED - FOR MORE THAN 4 1/2 - 5 MONS; FOR REASONS: "DETREMENTAL TO SECURITY, ORDERLY OPERATIONS, ETC. FACT BE TOLD, THIS PAPER HAS BEEN COMING INTO THE VA. D.O.C. AND B.O.S.P. SINCE 1998. THERE HAS NEVER BEEN AN ASSAULT, ROOT, ESCAPE, OR DISRUPTIVE TO THE ORDER OR SECURITY OF B.O.S.P., NOR ARE THERE ANY DATA/INTELLIGENCE EXISTING, SAYING, THERE ARE FUTURE PLANNING TO COMMIT ASSAULT, ROOT, ESCAPE, ETC.. MOREOVER, TO DENY THE NEWSPAPER HAS NOT MADE B.O.S.P. SAFER NOR MORE DISRUPTIVE. THIS REPEATED, ARBITRARY DECISION TO DENY IS MEANINGLESS, IT DOES NOT SERVE A PENOLOGICAL INTEREST; THE CHAPLAIN DEPT. DOES NOT STATE NATION OF ISLAM VIDEOS (WEEKLY), NOR DOES THE DEPT. PROVIDE N.O.Z MATERIAL/LITERATURE. THIS IS VIOLATION OF MY RELIGIOUS RIGHTS. THIS VIOLATION, NOR ANY OTHER IS A THREAT TO B.O.S.P.

What action do you want taken? AS PREVIOUSLY DONE, AND IS THREATENED VA.D.O.C., PERMIT THE NEWSPAPER TO ALL PRISONERS AT B.O.S.P.; THIS IS A SEGREGATION UNIT, HOW DOES THE PUBLICATION PRESENT A "DETREMENT" TO SECURITY? STOP THE VIOLATIONS OF PRISONERS' RELIGIOUS RIGHTS. AND APOLOGIZE TO ALL, VIA MEMO, FOR SUCH CHOCANERIES AND VIOLATIONS.

Grievant's Signature:

K. Brown

RECEIVED

Date: 04/01/09

Warden/Superintendent's Office:

J. Jaylor

MAY 17 2009

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Date Received:

4/13/09

OMBUDSMAN SERVICES UNIT
WESTERN REGION

APR 03 2009

Grievance



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MEMORANDUM

MAY 18 2009

Deputy Director, Operations

Red Onion State Prison

Warden: Tracy S. Ray

TO: Brown Kelvin 207902 D 313
FROM: Major L. Fleming, Chief of Security
DATE: 3/31/2009
SUBJECT: Publication Disapproval

Your publication The Final Call Vol 28 # 4 has been reviewed by PRC and it has been determined that you cannot possess these publications.

This publication has been disapproved due to the violation of Division Operating Procedure 803.2, *Incoming Publications, Specific Criteria for Publication Disapproval* 803.2 # 12. If you are dissatisfied with this decision, you may appeal using the Offender Grievance Procedure within seven days of the date of this letter. Otherwise, in accordance with Operating Procedure 802.1, *Offender Property*, you must dispose of this property using the Property Disposition Form.

LF/sb

(If the grievance coordinator receives a grievance, then he/she must notify personal property/mailroom to retain publication pending review of grievance at all levels).

cc: Grievance Coordinator*
Mail Room
File

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MAY 19 2009

Ombudsman Services Unit

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MAY 17 2009

OMBUDSMAN SERVICES UNIT
WESTERN REGION

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APR 03 2009

Grievance



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MAY 18 2009

Deputy Director, Operations

MEMORANDUM

Red Onion State Prison

Warden: Tracy S. Ray

TO: Brown Kelvin 207902 D 313
FROM: Major L. Fleming, Chief of Security
DATE: 3/31/2009
SUBJECT: Publication Disapproval

Your publication The Final Call Vol 28 # 10 has been reviewed by PRC and it has been determined that you cannot possess these publications.

This publication has been disapproved due to the violation of Division Operating Procedure 803.2, *Incoming Publications, Specific Criteria for Publication Disapproval* 803.2 # 12. If you are dissatisfied with this decision, you may appeal using the Offender Grievance Procedure within seven days of the date of this letter. Otherwise, in accordance with Operating Procedure 802.1, *Offender Property*, you must dispose of this property using the Property Disposition Form.

LF/sb

(If the grievance coordinator receives a grievance, then he/she must notify personal property/mailroom to retain publication pending review of grievance at all levels).

cc: Grievance Coordinator*
Mail Room
File

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MAY 19 2009

Ombudsman Services Unit

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MAY 12 2009

OMBUDSMAN SERVICE UNIT
WESTERN REGION

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APR 03 2009

Grievance



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MAY 18 2009

Deputy Director, Operations

MEMORANDUM

Red Onion State Prison

Warden: Tracy S. Ray

TO: Brown Kelvin 207902 D 313
FROM: Major L. Fleming, Chief of Security
DATE: 3/31/2009

SUBJECT: Publication Disapproval

Your publication The Final Call Vol 28 # 12 has been reviewed by PRC and it has been determined that you cannot possess these publications.

This publication has been disapproved due to the violation of Division Operating Procedure 803.2, *Incoming Publications, Specific Criteria for Publication Disapproval* 803.2 # 12. If you are dissatisfied with this decision, you may appeal using the Offender Grievance Procedure within seven days of the date of this letter. Otherwise, in accordance with Operating Procedure 802.1, *Offender Property*, you must dispose of this property using the Property Disposition Form.

LF/sb

(If the grievance coordinator receives a grievance, then he/she must notify personal property/mailroom to retain publication pending review of grievance at all levels).

cc: Grievance Coordinator*
Mail Room
File

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Ombudsman Services Unit

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MAY 12 2009

OMBUDSMAN SERVICE UNIT
WESTERN REGION

RECEIVED

APR 03 2009

Grievance



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MEMORANDUM

MAY 18 2009

Deputy Director, Operations

Red Onion State Prison

Warden: Tracy S. Ray

TO: Brown Kelvin 207902 D 313
FROM: Major L. Fleming, Chief of Security
DATE: 3/31/2009
SUBJECT: Publication Disapproval

Your publication The Final Call Vol 28 #13 has been reviewed by PRC and it has been determined that you cannot possess these publications.

This publication has been disapproved due to the violation of Division Operating Procedure 803.2, *Incoming Publications, Specific Criteria for Publication Disapproval* 803.2 #12. If you are dissatisfied with this decision, you may appeal using the Offender Grievance Procedure within seven days of the date of this letter. Otherwise, in accordance with Operating Procedure 802.1, *Offender Property*, you must dispose of this property using the Property Disposition Form.

LF/sb

(If the grievance coordinator receives a grievance, then he/she must notify personal property/mailroom to retain publication pending review of grievance at all levels).

cc: Grievance Coordinator*
Mail Room
File

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Ombudsman Services Unit

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MAY 13 2009

OMBUDESMAN SERVICE UNIT
WESTERN REGION

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APR 03 2009

Grievance



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MEMORANDUM

MAY 18 2009

Deputy Director Operations

Red Onion State Prison

Warden: Tracy S. Ray

TO: Brown Kelvin 207902 D 313
FROM: Major L. Fleming, Chief of Security
DATE: 3/31/2009
SUBJECT: Publication Disapproval

Your publication The Final call Vol 28 # 14 has been reviewed by PRC and it has been determined that you cannot possess these publications.

This publication has been disapproved due to the violation of Division Operating Procedure 803.2, *Incoming Publications, Specific Criteria for Publication Disapproval* 803.2 # 12. If you are dissatisfied with this decision, you may appeal using the Offender Grievance Procedure within seven days of the date of this letter. Otherwise, in accordance with Operating Procedure 802.1, *Offender Property*, you must dispose of this property using the Property Disposition Form.

LF/sb

(If the grievance coordinator receives a grievance, then he/she must notify personal property/mailroom to retain publication pending review of grievance at all levels).

cc: Grievance Coordinator*
Mail Room
File

RECEIVED

MAY 19 2009

Ombudsman Services Unit

RECEIVED

MAY 19 2009

OMBUDSMAN SERVICE UNIT
WESTERN REGION

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APR 03 2009

Grievance



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MAY 18 2009

Deputy Director, Operations

MEMORANDUM

Red Onion State Prison

Warden: Tracy S. Ray

TO: Brown Kelvin 207902 D 313
FROM: Major L. Fleming, Chief of Security
DATE: 3/31/2009
SUBJECT: Publication Disapproval

Your publication The Final Call Vol 28 # 15 has been reviewed by PRC and it has been determined that you cannot possess these publications.

This publication has been disapproved due to the violation of Division Operating Procedure 803.2, *Incoming Publications, Specific Criteria for Publication Disapproval* 803.2 # 12. If you are dissatisfied with this decision, you may appeal using the Offender Grievance Procedure within seven days of the date of this letter. Otherwise, in accordance with Operating Procedure 802.1, *Offender Property*, you must dispose of this property using the Property Disposition Form.

LF/sb

(If the grievance coordinator receives a grievance, then he/she must notify personal property/mailroom to retain publication pending review of grievance at all levels).

cc: Grievance Coordinator*
Mail Room
File

RECEIVED

MAY 19 2009

Ombudsman Services Unit

RECEIVED

MAY 12 2009

APR 03 2009

OMBUDSMAN SERVICE UNIT **Grievance**
WESTERN REGION



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MEMORANDUM

MAY 18 2009
Deputy Director, Operations

Red Onion State Prison

Warden: Tracy S. Ray

TO: Brown Kelvin 207902 D 313
FROM: Major L. Fleming, Chief of Security
DATE: 3/31/2009
SUBJECT: Publication Disapproval

Your publication The Final Call Vol 28 # 18 has been reviewed by PRC and it has been determined that you cannot possess these publications.

This publication has been disapproved due to the violation of Division Operating Procedure 803.2, *Incoming Publications, Specific Criteria for Publication Disapproval* 803.2 # 12. If you are dissatisfied with this decision, you may appeal using the Offender Grievance Procedure within seven days of the date of this letter. Otherwise, in accordance with Operating Procedure 802.1, *Offender Property*, you must dispose of this property using the Property Disposition Form.

LF/sb

(If the grievance coordinator receives a grievance, then he/she must notify personal property/mailroom to retain publication pending review of grievance at all levels).

cc: Grievance Coordinator*
Mail Room
File

RECEIVED

MAY 19 2009

Ombudsman Services Unit

RECEIVED

MAY 17 2009

OMBUDESMAN SERVICES UNIT
WESTERN REGION

RECEIVED

APR 03 2009

Grievance



REGULAR GRIEVANCE

MAY 18 2009 Number: _____

Deputy Director, Operations

BROWN, K.	20792	D	313
Last Name	First	Number	Building
Cell/Bed Number			

WHAT IS YOUR COMPLAINT? (Provide information from the informal process: Attach Informal Complaint or other documentation of informal process.) Prior to the REPEATED DENIAL of my Religious Newspaper, I had received it for 12-13 WKS (consecutively), SINCE THEN, IT HAS BEEN DENIED FOR 4 1/2 - 5 MONS. THERE'S NO EVIDENCE TO SUGGEST NOR SUPPORT THAT THE DENIAL OF THIS PUBLICATION MAKES R.O.S.P. SAFER OR LESS SAFER. THERE HAS BEEN NO ASSAULTS, BANTS, ESCAPE, ETC., AT THE HAND OF THIS PUBLICATION. AGAIN, THIS IS A RELIGIOUS PUBLICATION. Red GUNZON IS A SEGREGATION UNIT, 95% OF PRISONS LOCKED BEHIND THE DOOR, 24 HRS A DAY. THIS DENIAL OF THIS RELIGIOUS PUBLICATION DOES NOT POSE A THREAT TO R.O.S.P., IT'S SECURITY OR STAFF, AND, IT DOES NOT SERVE A STATE OR PENITENTIARY INTEREST, HOWEVER, IT DOES VIOLATE PRISONERS RELIGIOUS RIGHTS. CHAPLAIN SERVICE DOES NOT PROVIDE MATERIAL OF ISLAM MATERIAL, NOR SHOW VIDEO (N.O.Z) WEEKLY.

What action do you want taken? AS DONE PREVIOUSLY, AND AS THROUGHT VA. D.O.C., PERMIT ALL PRISONERS TO RECEIVE THE PUBLICATION, STOP THE RELIGIOUS RIGHTS VIOLATIONS, AND APOLOGIZE, VIA MEMO.

RECEIVED

MAY 19 2009

Grievant's Signature: *K. Brown*

Ombudsman Services Unit

Date: 04/01/09

Warden/Superintendent's Office:

RECEIVED

Date Received:

APR 03 2009

Grievance



COMMONWEALTH of VIRGINIA

GENE M. JOHNSON
DIRECTOR

Department of Corrections

P. O. BOX 26963
RICHMOND, VIRGINIA 23261
(804) 674-3000

INMATE GRIEVANCE RESPONSE FORM Level III

K. Brown, #207902

Red Onion State Prison

620-29516

Inmate Name and Number

Institution

Log Number

Level III: Deputy Director/Director Response: (To be completed and mailed within twenty (20) calendar days)

I have reviewed your grievance appealing the decision of the Publication Review Committee's disapproval of the Volume 28, #17 issue of "The Final Call" publication.

In accordance with Operating Procedure 803.2, Incoming Publications, approval to order or receive a publication or subscription is not a blanket approval of the publication; each issue will be reviewed at the facility prior to delivery to inmates. The Warden/Superintendent or his designee should disapprove any publication for receipt and possession by inmates, if it is not already on the Disapproved Publication List and it can be documented to contain material that violates Operating Procedure #803.2, as specifically listed in 803.2 Section V (L) and Attachment #1. Red Onion State Prison determined that the publication might have contained material in violation of Operating Procedure 803.2 and forwarded it to the Publication Review Committee in accordance with policy.

On March 6, 2009, the Publication Review Committee reviewed the Volume 28, #17 issue of "The Final Call" publication and a final determination was made that they violated Operating Procedure 803.2-Section V (L), Attachment 1, #7 & #12 as follows:

#7. Material that promotes, advocates or instructs in the commission of criminal activity or the violation of state or federal laws or the violation of the Offender Disciplinary Procedure.

#12. Material whose content "could" be detrimental to the security, good order, discipline of the facility, or offender rehabilitative efforts or the safety or health of offenders, staff or others

I have considered your appeal of the Committee's decision and have determined that the Publication Review Committee disapproved the publication in accordance with Operating Procedure 803.2, Incoming Publications. I am upholding the Committee's decision. Your grievance is **unfounded**. You have exhausted all administrative remedies.

J. Jabe, Deputy Director of Operations

Date: 5/28/09

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MAY 28 2009

GRIEVANCE

INMATE GRIEVANCE RESPONSE FORM
LEVEL I

RECEIVED
MAY 14 2009

Brown, K. 207902
Inmate Name and Number

Red Onion State Prison
Institution

620-29516 Deputy Director, Operations
Log Number

LEVEL I: Warden's Response. (To be completed and mailed within thirty calendar days.)

Grievance Summary: You stated "The Final Call" (Volume 28 - #17) was disapproved by the Publication Review Committee on March 31, 2009. This is a violation of your religious rights as these newspapers are not a threat to security. No one has been harmed by this material.

Informal Summary: Your Publication Disapproval Notice dated March 31, 2009 is attached to the grievance.

Investigation: As you were advised by the memorandum dated March 31, 2009, your publication was reviewed and determined to violate Procedure 803.2, #12. This decision was made by the Publication Review Committee, and Major Fleming was notified of their decision. All books, publications, and tapes are subject to review for compliance with Procedure 803.2 prior to delivery to you. The policy number of the violation is noted on your disapproval notice. There has been no policy violation in disapproving this material. You will be required to disposition the publication in accordance with policy guidelines.

Policy/Procedure: Operating Procedure 803.2, #12 governs this issue.

In accordance with the above information, this grievance is considered to be **UNFOUNDED**, as procedures have been correctly applied. No further action appears to be necessary at this time.


Warden

5-5-09
Date

In accordance with procedure 866 governing Inmate Grievance Procedures, if you are dissatisfied with this response you may appeal this decision within five (5) calendar days to:

Deputy Director of Operations
P. O. Box 26963
Richmond, Virginia 23261-6963

RECEIVED
MAY 14 2009
Ombudsman Services Unit

I wish to appeal the LEVEL I Response because:

SEE ATTACHMENT

Kelvin Brown 207902
NAME AND INMATE NUMBER

05/06/09
DATE

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MAY 08 2009
OMBUDSMAN SERVICE UNIT
WESTERN REGION

rm

MAY 14 2009

MAY 14 2009

LEVEL II APPEAL: Ombudsman Services Unit

Deputy Director, Operations

BASED UPON THE DECISION RENDERED BY GRIEVANCE OFFICER, THERE WAS NO INDEPENDENT REVIEW OF THIS MATTER. PROCEDURE 803.2 #12 IS CITED AS REASON, HOWEVER, NO EVIDENCE OR DOCUMENTED PROOF HAS BEEN OFFERED TO JUSTIFY THIS CLAIM.

I HAVE OFFERED NUMEROUS PROOFS TO SHOW, NOT ONLY THE PUBLICATION DO NOT POSE A THREAT TO SECURITY OR ORDERLY OPERATION, BUT, THE DECISION IS ARBITRARY ABUSE OF AUTHORITY BY MAJOR FLEMING. (I HAD RECEIVED THE PUBLICATION FROM AUG. 2008 - NOV. 2008, WITHOUT COMPLETE COMPLAINT OR HAVING ONE ISSUE DENIED.) THIS PUBLICATION HAS BEEN PERMITTED INTO RED OXON FOR OVER 10 YRS, NEVER HAVE ANY ISSUE BEEN DENIED, UNTIL MAJOR FLEMING, IN NOV. 2008, DECIDED TO REPEATEDLY DENIED SUCH PUBLICATION, FOR 7 MONTHS (WEEKLY). THIS PUBLICATION HAS NOT CONTRIBUTED TO ANY ASSAULTS; RIOTS; ESCAPES; DISORDERLY BEHAVIOR, OR ANY THING TAKEN TO A SECURITY THREAT. THE DENIAL OF THIS PUBLICATION HAS NOT MADE RED OXON SAFER OR LESS SAFER.

THIS PUBLICATION HAS BEEN APPROVED IN VA. D.O.C. FOR OVER 21 YEARS. THE DISAPPROVED PUBLICATION LIST REVEALS, IN THE YEARS 1987-2008 - THERE HAS NEVER BEEN ONE ISSUE OF THIS PUBLICATION DENIED. THE FORMAT, MESSAGE, AND REASON FOR THIS PUBLICATION HAS NOT CHANGED SINCE 1988. (RED OXON IS LEADING THIS DENIAL CAMPAIGN. THE RACIST ELEMENTS OF WHITE MEN AT RED OXON FOCUS UPON ISLAM, THEREBY, MAKING IT EXCEPTABLE TO DENY SUCH MATERIAL.)

I CONCLUDE BY ASKING FOR A THOROUGH, INDEPENDENT REVIEW, IMPARTIAL AND FAIR REVIEW OF EACH PUBLICATION. IF SO, TELL ME WHAT PART, PORTION, PAGE AND PARAGRAPH VIOLATES

RECEIVED

MAY 14 2009

OMBUDSMAN SERVICE - NW
WESTERN REGION



REGULAR GRIEVANCE RECEIVED

MAY 14 2009 Log Number: 620-29516

Deputy Director, Operations

BROWN, K.	20792	D	313
Last Name	First	Number	Building
			Cell/Bed Number

WHAT IS YOUR COMPLAINT? (Provide information from the informal process: Attach Informal Complaint or other documentation of informal process.) Prior to the reported denial of my religious newspaper, I had received sch for 12-13 consecutive weeks (Aug. 2008 - Nov. 2008), since then, it has been repeatedly denied for 4 1/2 - 5 months. There's no true evidence suggesting, because of this publication, there's a future plan for escapes, riots, assaults, or any other disruptive behavior. R.O.S.P. has not been safer or less safer as a result of the denial of this publication. This is a segregation unit, where 95% of the populous are locked behind the door for 23-24 hrs. materials are not passed and no officer/staff has been, the past or future, harmed because of this publication. Chaplain services do not offer/provide nation of islam materials nor show No. 2 videos (weekly), this is a violation of my religious rights. Moreover, this does not serve a state nor psychological interest. R.O.S.P. is safe, with and without this publication - this is religious bigotry and it must stop.

What action do you want taken? As previously done, and as throughout VA.D.C., permit all prisoners to receive the publication w/o harassment or suppression; stop the rights violations and apologize, via memo, to all.

RECEIVED

MAY 14 2009

Ombudsman Services Unit

Grievant's Signature:

K. Brown

Date:

04/02/09

Warden/Superintendent's Office:

R. Mullins

Date Received:

4/6/09

RECEIVED

RECEIVED

MAY 13 2009

APR 06 2009

OMBUDSMAN SERVICE UNIT

GRIEVANCE.



MAY 14 2009

MEMORANDUM

Deputy Director, Operations

Red Onion State Prison

Warden: Tracy S. Ray

TO: Brown Kelvin 207902 D 313
FROM: Major L. Fleming, Chief of Security
DATE: 3/31/2009

SUBJECT: Publication Disapproval

Your publication The Final Call Vol 28 # 17 has been reviewed by PRC and it has been determined that you cannot possess these publications.

This publication has been disapproved due to the violation of Division Operating Procedure 803.2, *Incoming Publications, Specific Criteria for Publication Disapproval* 803.2 # 12. If you are dissatisfied with this decision, you may appeal using the Offender Grievance Procedure within seven days of the date of this letter. Otherwise, in accordance with Operating Procedure 802.1, *Offender Property*, you must dispose of this property using the Property Disposition Form.

LF/sb

(If the grievance coordinator receives a grievance, then he/she must notify personal property/mailroom to retain publication pending review of grievance at all levels).

cc: Grievance Coordinator*
Mail Room
File

RECEIVED

MAY 14 2009

Ombudsman Services Unit

RECEIVED

MAY 14 2009

OMBUDSMAN SERVICE UNIT
WESTERN REGION

RECEIVED
APR 06 2009
GRIEVANCE



COMMONWEALTH of VIRGINIA

GENE M. JOHNSON
DIRECTOR

Department of Corrections

P. O. BOX 26963
RICHMOND, VIRGINIA 23261
(804) 674-3000

INMATE GRIEVANCE RESPONSE FORM Level III

K. Brown, #207902

Red Onion State Prison

620-29517

Inmate Name and Number

Institution

Log Number

Level III: Deputy Director/Director Response: (To be completed and mailed within twenty (20) calendar days)

I have reviewed your grievance appealing the decision of the Publication Review Committee's disapproval of the February 19, 2009 issue of 'Rolling Stone' magazine.

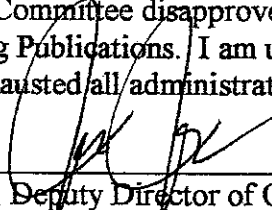
In accordance with Operating Procedure 803.2, Incoming Publications, approval to order or receive a publication or subscription is not a blanket approval of the publication; each issue will be reviewed at the facility prior to delivery to inmates. The Warden/Superintendent or his designee should disapprove any publication for receipt and possession by inmates, if it is not already on the Disapproved Publication List and it can be documented to contain material that violates Operating Procedure #803.2, as specifically listed in 803.2 Section V (L) and Attachment #1. Red Onion State Prison determined that the publication might have contained material in violation of Operating Procedure 803.2 and forwarded it to the Publication Review Committee in accordance with policy.

On March 6, 2009, the Publication Review Committee reviewed the February 19, 2009 issue of "Rolling Stone" magazine and a final determination was made that they violated Operating Procedure 803.2-Section V (L), Attachment 1, #7 & #11 as follows:

#7. Material that promotes, advocates or instructs in the commission of criminal activity or the violation of state or federal laws or the violation of the Offender Disciplinary Procedure

#11. Instructions or information relating to the ability to physically disable, injure or kill a person

I have considered your appeal of the Committee's decision and have determined that the Publication Review Committee disapproved the publication in accordance with Operating Procedure 803.2, Incoming Publications. I am upholding the Committee's decision. Your grievance is **unfounded**. You have exhausted all administrative remedies.


J. Jabe, Deputy Director of Operations

Date: 5/22/09

RECEIVED

MAY 28 2009

GRIEVANCE

Brown, K. 207902
Inmate Name and Number

Red Onion State Prison
Institution

Deputy Director, Operations
620-29517
Log Number

LEVEL I: Warden's Response (To be completed and mailed within thirty calendar days.)

Grievance Summary: You stated your "Rolling Stone" magazine (February 19, 2009 issue) was disapproved by the Publication Review Committee on March 31, 2009. This is a rock and roll magazine which does not promote terrorist activity and is not a threat to the security of this prison. You should be allowed to have your magazine.

Informal Summary: Your Publication Disapproval Notice dated March 31, 2009 is attached to the grievance.

Investigation: As you were advised by the memorandum dated March 31, 2009, your magazine was reviewed and determined to violate Procedure 803.2, #12. This decision was made by the Publication Review Committee, and Major Fleming was notified of their decision. All books, publications, and tapes are subject to review for compliance with Procedure 803.2 prior to delivery to you. The policy number of the violation is noted on your disapproval notice. You will be required to disposition this magazine in accordance with policy guidelines.

Policy/Procedure: Operating Procedure 803.2, #12 governs this issue.

In accordance with the above information, this grievance is considered to be **UNFOUNDED**, as procedures have been correctly applied. No further action appears to be necessary at this time.


Warden

5-5-09
Date

In accordance with procedure 866 governing Inmate Grievance Procedures, if you are dissatisfied with this response you may appeal this decision within five (5) calendar days to:

Deputy Director of Operations
P. O. Box 26963
Richmond, Virginia 23261-6963

RECEIVED

MAY 26 2009

OMBUDSMAN SERVICE UNIT
WESTERN REGION

I wish to appeal the LEVEL I Response because:

SEE ATTACHMENT

Kelvin Brown 207902
NAME AND INMATE NUMBER

05/06/09
DATE

RECEIVED

MAY 14 2009

Ombudsman Services Unit

rm

LEVEL II Appeal

Deputy Director, Operations

As it relate to Pulling Stones (Feb 19, 2009); this publication was denied, alleged to violate procedure 503.2 #12. As I've stated, this is a rock and roll (music) MAGAZINE. It does not advocate (violates) violence, insurrection, etc, though a critic article may be contained in such. This issue of debate deals with the drug problem in Mexico and Texas. The same topic is discussed on the World News (ABC, CBS, NBC, CNN, etc.) This article does not glorify drug selling, but only detail the problem. This is general information.

The denial of this publication, was done arbitrarily by Red Onion officials without due process - A Fair, impartial and thorough Review (Red Onion deny more publications than any prison in the U.S.) Oftentimes, this information, in no way poses a threat to security or orderly operation. (For over 40 yrs, Pulling Stones has been a well respected Anglo-Saxon publication, excepted in America, Canada and Britain. Never seen, interpreted or excepted as an advocate of violence, insurrection or terrorism/terrorist activity against government institution come on, now. Do you not think, if this was so, the Dept. of Homeland Security, F.B.I., and C.I.A. would be notified?) These claims are without merit and an abuse of authority.

I ask that you Review this publication independently, and, impartially and Fairly. (Red Onion has provided no evidence to support their claim. Red Onion is safe, as orderly as normal - no riots, assault, escapes etc. This denial has not made Red Onion safer or less safe. Therefore, their claim is bogus.)

RECEIVED

MAY 14 2009

Ombudsman Services Unit

RECEIVED

AMERICAN SOUTHERN
WESTERN REGION



REGULAR GRIEVANCE

RECEIVED

MAY 14 2009

Log Number: 620-29517

Deputy Director, Operations

BROWN, K	207902	D	313
Last Name	First	Number	Building
Cell/Bed Number			

WHAT IS YOUR COMPLAINT? (Provide information from the informal process: Attach Informal Complaint or other documentation of informal process.)

THIS MAGAZINE IS AN ADVOCATE FOR MUSIC. IT'S A WORLD BEYOND ROCK & ROLL MAGAZINE. IT DOES NOT, AND CAN NOT, ADVOCATE, ENCOURAGE NOR PROMOTE TERRORIST ACTIVITY, INSURRECTION NOR ATTACKS ON GOVERNMENT INTEREST. IF THIS WAS THE CASE, THE F.B.I. AND HOMELAND SECURITY WOULD BE INVOLVED. THERE ARTICLES ARE OF NO THREAT TO THE SECURITY OF THE PRISON OR STAFF/PRISONERS. NO ESCAPES, ASSAULT, ETC., ARE TAKING PLACE AS A RESULT OF SUCH INFORMATION. THIS IS A CLAIM, AGAINST, WITHOUT MERIT. GOVERNMENT goes deep into the matter/issue, HOWEVER, THIS DOES NOT MEAN THE MAGAZINE ADVOCATE (SPREAD, UPHOLD) INSURRECTION, TERRORIST ATTACKS, ETC., THIS IS A MUSIC MAGAZINE! THIS CLAIM IS ARBITRARY AND WAS IN BAD JUDGEMENT.

What action do you want taken? THAT AN INDEPENDENT REVIEW BE DONE, WEIGHING THE CONTENT OF THE MAGAZINE VERSUS THE CLAIM. AND, PERMIT ME AND OTHERS TO POSSESS THE MAGAZINE.

RECEIVED

MAY 14 2009

OMBUDSMAN SERVICE
WESTERN REGION

Grievant's Signature:

K. Brown

Date:

04/02/09

Warden/Superintendent's Office:

R. Mullins

Date Received:

4/6/09

RECEIVED

MAY 14 2009

RECEIVED

APR 06 2009

GRIEVANCE



RECEIVED

MAY 14 2009

MEMORANDUM

Deputy Director, Operations

Red Onion State Prison

Warden: Tracy S. Ray

TO: Brown Kelvin 207902 D 313
FROM: Major L. Fleming, Chief of Security
DATE: 3/31/2009

SUBJECT: Publication Disapproval

Your publication Rolling Stone February 19th, 2009 has been reviewed by PRC and it has been determined that you cannot possess these publications.

This publication has been disapproved due to the violation of Division Operating Procedure 803.2, *Incoming Publications, Specific Criteria for Publication Disapproval* 803.2 # 12. If you are dissatisfied with this decision, you may appeal using the Offender Grievance Procedure within seven days of the date of this letter. Otherwise, in accordance with Operating Procedure 802.1, *Offender Property*, you must dispose of this property using the Property Disposition Form.

LF/sb

(If the grievance coordinator receives a grievance, then he/she must notify personal property/mailroom to retain publication pending review of grievance at all levels).

cc: Grievance Coordinator*
Mail Room
File

RECEIVED

MAY 06 2009

OMBUDSMAN SERVICE UNIT
WESTERN REGION

RECEIVED

MAY 14 2009

Ombudsman Services Unit

RECEIVED
APR 06 2009
GRIEVANCE



COMMONWEALTH of VIRGINIA

GENE M. JOHNSON
DIRECTOR

Department of Corrections

P. O. BOX 26963
RICHMOND, VIRGINIA 23261
(804) 674-3000

INMATE GRIEVANCE RESPONSE FORM Level III

K. Brown, #207902	Red Onion State Prison	620-29518
Inmate Name and Number	Institution	Log Number

Level III: Deputy Director/Director Response: (To be completed and mailed within twenty (20) calendar days)

I have reviewed your grievance appealing the decision of the Publication Review Committee's disapproval of the February 2009 issue of 'Maxim' magazine.

In accordance with Operating Procedure 803.2, Incoming Publications, approval to order or receive a publication or subscription is not a blanket approval of the publication; each issue will be reviewed at the facility prior to delivery to inmates. The Warden/Superintendent or his designee should disapprove any publication for receipt and possession by inmates, if it is not already on the Disapproved Publication List and it can be documented to contain material that violates Operating Procedure #803.2, as specifically listed in 803.2 Section V (L) and Attachment #1. Red Onion State Prison determined that the publication might have contained material in violation of Operating Procedure 803.2 and forwarded it to the Publication Review Committee in accordance with policy.

On March 6, 2009, the Publication Review Committee reviewed the February 2009 issue of "Maxim" magazine and a final determination was made that they violated Operating Procedure 803.2- Section V (L), Attachment 1, #9 as follows:

#9. Instructions or information that contains technical specification for, or may be used to alter or defeat electronic, mechanical, or other security devices, or information concerning security techniques and training or personnel or canine units

I have considered your appeal of the Committee's decision and have determined that the Publication Review Committee disapproved the publication in accordance with Operating Procedure 803.2, Incoming Publications. I am upholding the Committee's decision. Your grievance is **unfounded**. You have exhausted all administrative remedies.


J. Jabe, Deputy Director of Operations

Date: 5/20/09

RECEIVED
MAY 28 2009
GRIEVANCE